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Secret CIA Report On Bomber Deal Revealed in Court

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CPYRGHT

BUFFALO, N.Y.—The Central Intelligence Agency had un-

evaluated but essentially accurate information on a plan to export bombers to Portugal four days before the first plane took off.

A secret CIA report made public in a federal courtroom here yesterday seemed to contradict the assurance given by a U.S. spokesman in the United Nations on Dec. 18, 1965 that the shipment of planes was done "with- sold as executive planes. The out the knowledge of the United planes are then flown to Portugal and landed at the Tancos Air Force Base. The delivery sched-

In an extremely rare move, Lawrence R. Houston, general counsel of the CIA, appeared in court here under subpoena from first plane was delayed so that it one of the two men on trial for would not be on the field when smuggling seven B-26 bombers French Defense Minister Mess-

mer visited Tancos in late May. It is believed that 2 or 3 planes have now been delivered." During the trial of John Richard Hawke, pilot of the ship- ment were examined by seven planes that were deliv- Federal District Judge John O. ered, and Count Henri Marin de Henderson in his chambers and Montmarin, the alleged go- clandestine operations only if then made available to defense between in the deal, it has been they are "secret and plausibly, counselor after they had been developed that the planes went deniable."

censored to remove information from Tucson, Ariz., rather than about the CIA's sources and Texas, directly to Tancos, without touching Switzerland. Judge Henderson recessed the trial until 9:30 a.m. Tuesday before Houston was required to answer the question.

Before court adjourned for distributed, only one plane had reached Tancos. Otherwise, the a Baltimore federal court, the of the four secret reports was CIA report still appears essen- CIA has made available a tially accurate. Under questioning by Hawke's National Security Council. But, directive it received from the

Houston said the first infor- attorney, Edwin Marger of the CIA has insisted that the mation on the operation was: Miami Beach. Houston said the document not be shown to the received from Lisbon on May 25, 1965—four days before the initial report on the plane ship- plaintiff in the case, who is first flight took off—and was ment "was considered impor- suing a CIA agent for slander distributed on June 10 in a CIA tant information for the ap- for calling him a "Soviet intelli- Intelligence Information Ca- propriate agency"—but that gence operative." His lawyers' ble" to the following agencies: agency was not the CIA. He was have refused to examine the document.

State Department intelligence; Defense Intelligence Agency; Army, Navy and Air Force intelligence; Joint Chiefs of Staff; secretary of defense; National Security Agency; Agency for International Development, the U.S. Information Agency and five CIA offices.

The Cable

"Portugal," the cable said, "has purchased about 20 B26 aircraft from a private firm which is represented in Lisbon by Count Antoine de Beaumont. The planes are flown from a base in Texas to Canada where they are modified for extra fuel tanks to fly the Atlantic via an unknown refueling base. The planes are then flown to Switzerland where they are ostensibly

Hawke has contended since the time of his arrest more than a year ago that he was convinced that he was working for the U.S. government as part of a CIA-sponsored plan to provide the Portuguese with ground-attack aircraft for use in Africa.

In December, after an article on the case had appeared in a British newspaper, a Hungarian delegate to the United Nations charged that the United States had secretly arranged the plane shipment to Portugal.

In reply, Mrs. Eugenie Anderson, a U.S. permanent representative to the United Nations, said the planes had been "illegally exported from the United States in violation of United

law—and that this was without the knowledge of the United States government."

The dilemma of the government in handling the plane-smuggling case has become increasingly apparent in Judge Henderson's sixth-floor courtroom in the federal office building here.

The government had promised in the United Nations that the case would be vigorously prosecuted. But opening up the CIA files may make it more difficult to prove the case against Hawke and, perhaps, De Montmarin.

On the other hand, the government feared that if the CIA relied on executive privilege to keep its files from being made public, the case might end in a mistrial.

In the end, it was decided to permit Houston to be called as a defense witness for Hawke rather than as a prosecution witness.

As yesterday's court session ended, Marger—holding a copy of the book, "The Invisible Government," in his hand—was attempting to learn from Houston whether the CIA had been authorized by the National Security Council to carry out clandestine operations only if they are "secret and plausibly deniable."

Judge Henderson recessed the trial until 9:30 a.m. Tuesday before Houston was required to answer the question.

In another case being heard in a Baltimore federal court, the CIA has made available a directive it received from the National Security Council. But, the CIA has insisted that the document not be shown to the plaintiff in the case, who is suing a CIA agent for slander for calling him a "Soviet intelligence operative." His lawyers have refused to examine the document.